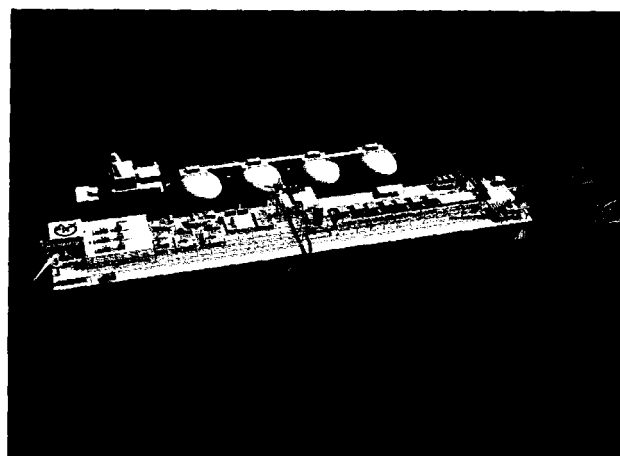


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Appendix A
Dear Interested Party Letter,
Mailing List, and Responses

USCG-2004-16860-37



Gulf Landing EIS
Dear Interested Party Mailing List

National Elected Officials

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The Honorable Richard Baker
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The Honorable Pete Domenici
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Committee on Energy and Natural Resources
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The Honorable Chris John
Representative
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The Honorable Mary Landrieu
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The Honorable Richard Pombo
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U.S. Department of
Homeland Security

United States
Coast Guard



Commandant
United States Coast Guard

2100 Second Street, S.W.
Washington, DC 20593-0001
Staff Symbol: G-MSO-2
Phone: (202) 267-0626
Fax: (202) 267-4570

Dear Interested Party:

The U.S. Coast Guard (USCG) and the Maritime Administration (MARAD) announce their intent to prepare an Environmental Impact Statement (EIS) to assist in the evaluation of an application for a license for Gulf Landing, L.L.C., a proposed liquefied natural gas (LNG) deepwater port in the Gulf of Mexico. A description of the proposed project is presented on the enclosed attachment (Enclosure 1). The Application may be viewed at the U.S. Department of Transportation's (DOT) Docket Management System web page <http://dms.dot.gov> (Docket Number 16860).

The EIS is being conducted in accordance within the provisions of the Deepwater Port Act of 1974, as amended (33 U.S. Code [U.S.C.] 1501 *et seq.*), the National Environmental Policy Act (NEPA) (Section 102(2)(c)), as implemented by the Council on Environmental Quality (CEQ) regulations (40 Code of Federal Regulations [CFR] Parts 1500-1508), Department of Transportation (DOT) 5610.1C (*Procedures for Considering Environmental Impacts*), USCG Commandant Instruction M16475.1D (*National Environmental Policy Act Implementing Procedures and Policy for Considering Environmental Impacts*) and other appropriate and applicable regulations. We are considering three alternatives: 1) to approve, 2) approve with conditions, or 3) not approve (No Action Alternative) the license application to construct and operate Gulf Landing.

The two agencies are now in the scoping period that precedes preparation of the EIS, and invite public comment relating to concerns on the proposal or to the scope of the EIS. As part of the scoping process, the USCG and MARAD will hold an informational open house in Lafayette, Louisiana on Tuesday, March 16, 2004 from 1 p.m. to 5 p.m. at the Courtyard by Marriott Hotel, 214 East Kaliste Saloon Road, Lafayette, LA 70509, telephone 337-232-5005. The event is open to the public and all interested parties are encouraged to attend. Written and verbal comments will be accepted at the Open House. The Public Notice initiating the comment process was published in the Federal Register on February 27, 2004 (Volume 60, Number 39, Page 9348-9439) and several Southern Louisiana newspapers during the week of March 1, 2004.

We would like to hear from the public and encourage you to submit comments and related materials. We will consider all comments and related materials received by April 15, 2004. Comments may be submitted to the Department of Transportation's Docket Management Facility. Please refer to the Public Notice (enclosure 2) for instructions on how to submit comments. In choosing from these means, please give due regard to the continuing difficulties and delays associated with delivery of mail through the U.S. Postal Service to federal facilities.

Comments and material received from the public, as well as the Environmental Impact Statement, will become part of this docket and will be available for inspection or copying at Room PL-401 on the Plaza Level of the Nassif Building, 400 Seventh Street SW., Washington, DC between 9 a.m. and 5 p.m., Monday through Friday, except for Federal holidays. You may also view this docket, including this notice and comments, on the Internet at <http://dms.dot.gov>.

If you have questions about the project or the meeting, you may contact LT Derek Dostie, USCG at (202) 267-0626 or ddostie@comdt.uscg.mil.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Prescott", with a long horizontal flourish extending to the right.

Mark Prescott
Commander, U.S. Coast Guard
Chief, Vessel and Facilities Operating Standards Division
By direction

Enclosures:

1. Proposed Gulf Landing LLC Deepwater Port Fact Sheet
2. Public Notice

Southeast Regional Office
9721 Executive Center Drive North
St. Petersburg, Florida 33702

April 12, 2004

Commander Mark A. Prescott
Department of Homeland Security
U.S. Coast Guard, Commandant (G-MSO-2)
Vessels and Facilities Operating Standards Division
2100 Second Street, SW
Washington, D.C. 20593-0001

Dear Commander Prescott:

The National Marine Fisheries Service (NOAA Fisheries) has received the Notice of Intent (NOI) to prepare an environmental impact statement (EIS) and request for public comment for the Gulf Landing LLC Deepwater Port license application (69 FR 9348; USCG-2004-16860) dated March 8, 2004. The NOI indicates that the U.S. Coast Guard (USCG) and the Maritime Administration (MARAD) intend to prepare an EIS for the construction of a liquefied natural gas (LNG) deepwater port in Outer Continental Shelf, West Cameron Block 213, approximately 38 miles south of Cameron, Louisiana. The project also includes the construction of 66 miles of 16- to 36-inch pipelines that would direct natural gas from storage tanks at the deepwater terminal to existing gas supply systems in the Gulf of Mexico. In response to the USCG and MARAD request for comments on resources and issues to be addressed in the EIS for this proposed action, NOAA Fisheries offers the following recommendations.

EFH ASSESSMENT

Based on our review of the NOI, the Gulf Landing Deepwater Port application, and our knowledge of the project area, we have developed the following list of species and life stages for which Essential Fish Habitat (EFH) has been designated in the project area:

Managed Species	Life Stages
brown shrimp	eggs, larvae, adults
white shrimp	eggs, larvae, adults
red drum	eggs, larvae, adults
red snapper	all life stages
vermilion snapper	juvenile
lane snapper	juveniles, adults

Managed Species	Life Stages
greater amberjack	juveniles, adults
lesser amberjack	juveniles, adults
gray triggerfish	all life stages
king mackerel	juveniles, adults
Spanish mackerel	all life stages
cobia	all life stages
dolphin	all life stages
bluefish	juveniles, adults
little tunny	juveniles, adults
Atlantic bluefin tuna	eggs, larvae, spawning adults
bonnethead shark	juveniles, adults
Atlantic sharpnose shark	juveniles

Categories of EFH in the project area include unconsolidated marine water bottoms, natural structural features (e.g., hardbottom and shoal areas), and marine water column. Detailed information on EFH for federally managed shrimp, red drum, reef fish, and coastal migratory pelagic species is provided in the 1998 generic amendment of the Fishery Management Plans (FMPs) for the Gulf of Mexico prepared by the Gulf of Mexico Fishery Management Council. Information on EFH for highly migratory species (HMS) is contained in the Atlantic Billfish and Atlantic Tunas, Swordfish, and Sharks FMPs prepared by the Secretary of Commerce. The generic amendment and HMS FMPs were prepared as required by the Magnuson-Stevens Fishery Conservation and Management Act (P.L. 104-297).

To fully address EFH and dependent fisheries of the project area, we recommend the EIS include sections titled "Essential Fish Habitat" and "Marine Fishery Resources" that describe the potential impacts of the proposed project on each category of EFH (e.g., non-vegetated water bottoms, geologic features, continental shelf features, marine water column, etc.) and marine fishery species within the project area. These sections should analyze the potential impacts of the proposed project on federally managed species and life stages which utilize these categories of EFH, and fully evaluate alternative measures to avoid, minimize, and offset adverse impacts to EFH and marine fishery species of the Gulf of Mexico. This descriptive and analytical information, coupled with a statement of the agency's conclusions regarding the effects of the action on EFH and marine fishery species, would provide the basic details necessary for an EFH assessment pursuant to the requirements of 50 CFR 600.920(e).

IMPINGEMENT AND ENTRAINMENT

The EIS should evaluate the impacts to marine fisheries associated with construction, operation, and decommissioning of the proposed Gulf Landing LNG terminal. Impingement and entrainment of marine organisms are a major concern for facilities that utilize large quantities of seawater and should be addressed in the EIS for the proposed Gulf Landing terminal. Entrainment refers to both primary entrainment of organisms into the regasification system, as well as secondary entrainment of organisms into the discharge plume. Natural mortality of fish eggs and larvae is quite high, and stock success can hinge on the survival and transport of relatively few recruits to their estuarine nursery habitats. NOAA Fisheries considers mortality caused by the proposed LNG facility as a significant additional mortality factor to the natural conditions that affect the sustainability of marine fisheries. If it is found that the proposed LNG facility kills the few recruits otherwise destined for survival, the facility would have a dramatic negative effect on economically important fish stocks. Information which is necessary to complete a traditional stock assessment to determine impacts from impingement and entrainment includes:

- a) Numbers of eggs, larvae, and juveniles that are expected to be entrained or impinged (and killed) by species.
- b) Daily natural mortality estimates by life stage during the first year of life by species, including hatching success. This allows an estimation of survival from viable egg to age of entrainment.
- c) Age-structured population model estimates of recruits to age-1 and population fecundity. This allows stock-level estimates of egg production (viable eggs) and overall survival from viable egg to recruitment at age-1.

In addition to direct fish and crustacean impacts, all zooplankton passing through the proposed LNG facility are likely to be killed. Zooplankton are microscopic drifting animals that are important components of the marine food web, consuming phytoplankton and smaller zooplankton and providing food for higher level predators, such as larvae of fish and crustaceans. Estimates of average annual densities of larger zooplankton (mostly copepods) in coastal waters off Texas and Louisiana are that two thousand organisms could occur per cubic meter of seawater. Therefore, the EIS also should provide information on zooplankton mortality from the proposed LNG facility and evaluate the effects on higher level consumers (i.e., impacts to the marine food web).

ALTERNATIVES ANALYSIS

The EIS should evaluate a full range of facility design alternatives, with emphasis on the utilization of a closed loop regasification system, for the Gulf Landing LNG terminal that would avoid and minimize impacts to eggs, larvae, and juveniles of marine fishery species and zooplankton from impingement and entrainment. Alternative designs for the LNG terminal should be evaluated in relation to the vertical distribution of eggs, larvae, and juveniles of marine fishery species in the water column. The analysis of the design alternatives should include

quantification of impacts to marine fishery populations versus other potential impacts (e.g., economic, safety, and air quality impacts). Clear rationale and supporting information including fishery economic considerations should be provided for the selection or elimination of design alternatives.

BENTHIC IMPACTS

Construction of the Gravity-Based Structures (GBS) used to offload and regasify the LNG will impact more than 11 acres of seafloor. Because the proposed Gulf Landing LNG terminal may act as an artificial reef (thereby increasing fish density and abundance at the project site), impingement and entrainment of marine fishery species into an open loop regasification system may increase in magnitude and out of proportion with observed density and abundance of fish populations in the surrounding area. Decommissioning activities involving explosive removal of structures (particularly the GBS) will have further adverse impacts to EFH and marine fishery resources. These factors and methods to avoid, minimize, and mitigate associated adverse impacts to EFH and marine fishery resources should be evaluated fully in the EIS.

DISCHARGE IMPACTS

The effects of thermal discharge on marine fishery species also should be addressed in the EIS. Seawater discharged during the regasification process will be approximately 20 degrees Fahrenheit cooler than ambient seawater. Eggs, larvae, and juveniles of various marine species may be particularly vulnerable to rapid and/or extreme temperature changes. In addition, sodium hypochlorite (NaOCl) will be added to seawater in the regasification process to prevent biofouling. The biological consequences of temperature change and biocide contamination on marine fishery species should be quantified in the EIS and minimized to the maximum extent practicable. Sole utilization of a closed loop regasification system, which would eliminate impacts to marine fishery species from temperature change and biocide contamination of the thermal discharge, should be evaluated in the document.

MONITORING NEEDS

As a result of our concerns that facility operation could significantly impact resources for which we have a trust responsibility, NOAA Fisheries recommends that the EIS include discussion of a fishery monitoring plan. The plan should be designed to document the distribution and abundance of marine fishery species at the project site (by species and life stage) and quantify the impacts to those species and the fishery from impingement, entrainment, and properties (e.g., temperature, salinity, and biocide concentration) of the discharge plume. The completed monitoring plan should be linked to a plan for adaptive management of the LNG facility to allow operational or mechanical modifications to minimize adverse fishery impacts.

CUMULATIVE IMPACT ASSESSMENT

There is increasing potential for cumulative impacts to EFH and marine fishery species from construction and operation of the proposed terminal, in concert with other ongoing and reasonably foreseeable activities in the Gulf of Mexico. There are multiple LNG

projects being proposed or planned in the central and western Gulf of Mexico. Additional impacts to NOAA-trust resources may result from (but are not limited to) oil and gas activities, commercial and recreational development, and major transportation projects. As an example of potential cumulative impacts, the Environmental Protection Agency (EPA) conducted several case study analyses of the impact of cooling water intakes for power plants on fisheries as part of their proposed Section 316(b) Phase II Existing Facilities rulemaking process. In their study of Tampa Bay, EPA found that the economic impacts of entrainment and impingement from only four electric generating stations exceeded \$20 million annually in year 2000 dollars. MARAD and USCG should undertake a detailed discussion and quantification of the potential cumulative economic and environmental impacts to EFH and marine fishery species from the proposed terminal and other ongoing and reasonably foreseeable activities in the Gulf of Mexico.

CLEAN WATER ACT SECTION 316 IMPLICATIONS

EPA is considering revising the Clean Water Act Section 316(b) regulations concerning entrainment and impingement impacts from once-through water systems. Although EPA has not made a decision whether LNG facilities will be covered under the proposed Phase III Regulations, we believe that MARAD and USCG should hold new LNG facilities to the same standards as new power plants, since the impacts on fisheries from the once-through seawater systems with similar intake volumes would be the same. Therefore, we believe that the Tract I standards set in section 125.84 (b)(1) of the Section 316(b) Phase I Regulations for new electric generation facilities that withdraw greater than 10 million gallons per day should be the required standard for this LNG facility. The cited standard requires that intake flows, at a minimum, be reduced to a level commensurate with that which can be attained by a closed cycle cooling water system.

ENDANGERED SPECIES ACT CONSULTATION

Finally, the project area may be within the known distribution limits of federally listed threatened species that are under the purview of NOAA Fisheries. In accordance with the Endangered Species Act of 1973, as amended, it is the responsibility of MARAD and USCG to identify actions that may affect endangered or threatened species or may destroy or adversely modify their designated critical habitat. Determinations involving species under NOAA Fisheries' jurisdiction should be reported to our Protected Resources Division (PRD) at the letterhead address. If it is determined that the activities may adversely affect any species listed as endangered or threatened and under PRD purview, then formal consultation must be initiated.

NOAA Fisheries appreciates the opportunity to provide you with preliminary information regarding resources and issues of concern for the proposed Gulf Landing LNG terminal. We look forward to reviewing the draft EIS. If you have any questions regarding our comments, please contact Kelly Shotts at (225) 389-0508. For information concerning threatened and endangered species please contact Mr. David Bernhart of our PRD at (727) 570-5312.

Sincerely,

/s/Rickey N. Ruebsamen
for
Miles M. Croom
Assistant Regional Administrator
Habitat Conservation Division

c:
FWS, Lafayette
EPA, Dallas - Lawrence
LA DNR - Consistency
F/SF1 - Rogers
F/SER3 - Bernhart
F/SER4
Files

277447



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

APR 12 2004

Commander Mark Prescott
U.S. Coast Guard
Commandant (G-MSO-2)
Vessel and Facilities Operating
2100 Second Street, S.W.
Washington DC 20593

USCG-2004-16860-23

Subject: EPA Authority Over Construction and Operation
Shell's Gulf Landing Deepwater Port Act Project

Dear Commander Prescott:

EPA Region 6 received a copy of the deepwater port license application for Shell's Gulf Landing facility on November 10, 2003, and provides these comments to assist the Coast Guard / Maritime Administration and their contractors as the agencies initiate scoping for the Environmental Impact Statement under the Deepwater Port Act (DPA) and the National Environmental Policy Act (NEPA). The proposed port will consist of a fixed facility in the Gulf of Mexico, which will receive liquidified natural gas from vessels, re-gasify it, and convey it through new natural gas pipelines for transport ashore in Louisiana and then through the national natural gas pipeline network. EPA Region 6 appreciates this opportunity to provide the following information to the Coast Guard and Maritime Administration as part of the coordinated licensing effort for this facility.

Previously, we reviewed the Gulf Landing documents and determined that the applications for EPA permit action are administratively complete in that all of the required EPA forms and certifications were included. In addition to the comments below, we reserve the right to request additional information as we more fully examine the permit applications and begin to develop draft permits for the proposed facility. The NEPA and cross-cutting statutes and regulatory consultation documents need to be sufficient for our use in the following actions.

CLEAN WATER ACT. Section 301(a) of the Clean Water Act (CWA) generally forbids discharges of pollutants to the waters of the ocean and contiguous zone from a point source (other than a vessel operating in a transportation capacity) in the absence of a national discharge elimination system (NPDES) permit issued pursuant to CWA § 402. Based on a review of the deepwater port license application, an NPDES permit authorization will be required for the proposed facility's operational discharges, including discharges of non-contact warming water associated with the re-gasification process, hydrostatic test water, deck drainage, and sanitary and domestic wastewater. Because the DPA designates the proposed type of facility a "new source" for CWA purposes, EPA will consider the information in the Coast Guard's environmental impact statement and consultation documents in its NPDES permit action in

accordance with CWA § 511(c)(1) and DPA § 5(f). Of particular interest will be the conclusion of consultations with the National Marine Fisheries Service and/or U.S. Fish and Wildlife Service for compliance with the Endangered Species Act and the Magnuson-Stevens Fishery Conservation and Management Act; including impingement and entrainment of fish, shellfish, and threatened and endangered species, in all life stages, caused by the operation of the intake structure. The Gulf Landing deepwater port license application included an NPDES permit application form containing sufficient information to draft and propose an NPDES permit.

CLEAN AIR ACT. EPA does not normally administer the Clean Air Act (CAA) in the western Gulf of Mexico because under CAA Section 328, the Department of Interior's Minerals Management Service is responsible for regulating "OCS sources" in that area. As presented in the application, however, the proposed source is not an "OCS Source," so Section 328 does not apply. Instead, EPA is the CAA permitting authority. The DPA applies federal law and applicable state law to deepwater ports, and further designates deepwater ports as "new sources" for CAA purposes. Accordingly, in considering the source's operating and construction permit EPA will rely on 40 CFR Part 70 and Titles I and V of the Clean Air Act, and also on Louisiana law to the extent applicable. EPA will consider the information in the Coast Guard's environmental impact statement and consultation documents in its CAA permit action, and in particular rely on the Coast Guard's consultations with the National Marine Fisheries Service and/or U.S. Fish and Wildlife Service for compliance with the Endangered Species Act and the Magnuson-Stevens Fishery Conservation and Management Act.

As presented in the application, the facility would be a major source for Title V purposes and a synthetic minor source for construction permit purposes. As such, it would need a Title V operating permit and a minor new source review (NSR) construction permit consistent with Louisiana law.

MARINE PROTECTION, RESEARCH, AND SANCTUARIES ACT. Under Section 101 of the Marine Protection, Research, and Sanctuaries Act of 1972 (MPRSA), 33 U.S.C. § 1401, no person may transport material from the United States or on an American Flagged vessel for the purpose of dumping it in ocean waters in the absence of a permit issued by EPA pursuant to MPRSA § 102. A MPRSA § 102 permit is also required for any person transporting material from anywhere for the purpose of dumping it in the territorial seas or to the contiguous zone where it might affect the territorial seas. Based on our current understanding, it does not appear that anyone proposes to transport materials for the purpose of dumping it in connection with the construction or operation of the Gulf Landing Terminal. Moreover, "dumping" does not include "construction of any fixed structure or artificial island nor the intentional placement of any device in ocean waters, or on or in the submerged land beneath such waters, for a purpose other than disposal, when such construction or such placement is otherwise regulated by Federal or state law" MPRSA § 3(f). The construction of this deepwater port appears to fall within this statutory exclusion.

NATIONAL ENVIRONMENTAL POLICY ACT. Section 309 of the Clean Air Act requires EPA to review environmental impact statements (EISs) prepared by other federal agencies and refer projects it finds "environmentally unacceptable" to the President's Council on

Environmental Quality (CEQ). The Coast Guard should file the Gulf Landing EIS with EPA in accordance with 40 CFR § 1506.9 by sending it to:

EPA
Office of Federal Activities
EIS Filing Section
South Ariel Rios Building (Room 7220)
1200 Pennsylvania Avenue, N.W.
Washington, DC 20004

Please provide an additional copy of both draft and final EISs to EPA Region 6 for consideration in its NPDES action.

WETLANDS. As we currently understand the project, it would involve new pipeline construction only in the Gulf of Mexico, connecting with existing pipelines prior to reaching near shore habitats. However, should the plans call for any pipeline construction, trunkline connections, or associated pipeline facilities or utilities construction in near shore, on shore, or wetland habitats we would look to the EIS to thoroughly evaluate options to avoid, minimize, and compensate for such impacts. Under such a review, a complete analysis in accordance with Section 404 of the Clean Water Act (CWA) should be conducted. Given the critical role wetlands serve in coastal Louisiana, avoiding wetland losses should be a primary focus of the alternatives analysis of any such onshore work.

Beyond compliance with the NEPA and the CWA, there is also a fundamental need to ensure that the proposed project is consistent with Federal and State efforts to restore coastal Louisiana. The rapid deterioration of coastal Louisiana is regarded by many as one of the nation's most critical ecological problems. Since 1990, the Coastal Wetlands Planning, Protection, and Restoration Act (CWPPRA) has invested hundreds of millions of dollars into a wide range of restoration projects. In addition, the U.S. Army Corps of Engineers, the State, and various stakeholders are currently developing a comprehensive ecosystem restoration plan, referred to as the Louisiana Coastal Area Comprehensive Coastwide Ecosystem Restoration Feasibility Study. All practicable efforts should be taken to be sure that the proposed project does not inhibit or otherwise conflict with reasonably foreseeable future restoration efforts in this area. Activities which might fall into this category could include new pipeline construction, utilities construction, and onshore construction of the terminal facilities.

Since significant environmental impacts could result from construction onshore of the two concrete gravity base structures and any associated channel excavation required to ship them out of the fabrication yard, these direct impacts should also be evaluated in the EIS. The considerations discussed above would apply if the fabrication site is in coastal Louisiana. Although similar issues should be explored if the fabrication site is along the Texas coast, particular attention should be paid to the cumulative impacts analysis should the proposed site be along or near the La Quinta Channel, in Texas. There are currently proposals for three onshore LNG terminals and at least two fabrication sites in that area. In any event, we would expect the EIS to thoroughly address the potential for environmental impacts associated with the onshore

facility construction, specifically with respect to dredging (including discussions of alterations to channel width or depth), dredged material management, beneficial use options, wetland impacts.

POINT OF CONTACT. I will be the primary EPA point of contact for communications on the Gulf Landing project. Correspondence should be directed to me as follows:

Robert D. Lawrence
Senior Policy Advisor - Energy Issues
EPA Region 6
1445 Ross Avenue (6PD)
Dallas TX 75202
(214) 665-6580

EPA Region 6 looks forward to working with the Coast Guard on this project.

Sincerely yours,



Robert D. Lawrence
Senior Policy Advisor - Energy Issues

Enclosure

cc: Col. Peter J. Rowan
Corps of Engineers, New Orleans LA

Mr. Chris C. Oynes,
Minerals Management Service, New Orleans LA

Ms. Doris Bautch
Maritime Administration, Schaumburg IL

Mr. A. Y. Noojin, III
Gulf Landing LLC, Houston TX



State of Louisiana
Department of Environmental Quality



KATHLEEN BABINEAUX BLANCO
GOVERNOR

MIKE D. McDANIEL, Ph.D.
SECRETARY

May 13, 2004

MAY 25 2004

Mr. M. A. Prescott
2100 Second Street, S.W.
Washington, DC 20593-0001

Re: Gulf Landing, LLC
Deepwater Port Application

Dear Mr. Prescott:

I am in receipt of your letter dated February 27, 2004 to Governor Blanco regarding the referenced proposed facility.

Based on the activity described, as well as the distance off shore (38 miles southeast of Cameron), I believe this agency has no regulatory jurisdiction in this matter. Any material or waste that is brought on shore and disposed or spilled would need to be handled in accordance with all existing environmental rules and laws.

Should you have additional questions or comments, please feel free to contact me at 225/219-3233.

Sincerely,

Dr. James H. Brent
Assistant Secretary

Tbk

Cc: Scott Kirk Patrick
Natural Resources Policy Advisor
Office of the Governor
P.O. Box 94004
Baton Rouge, LA 70804

Appendix B

Applicable Laws and Executive Orders

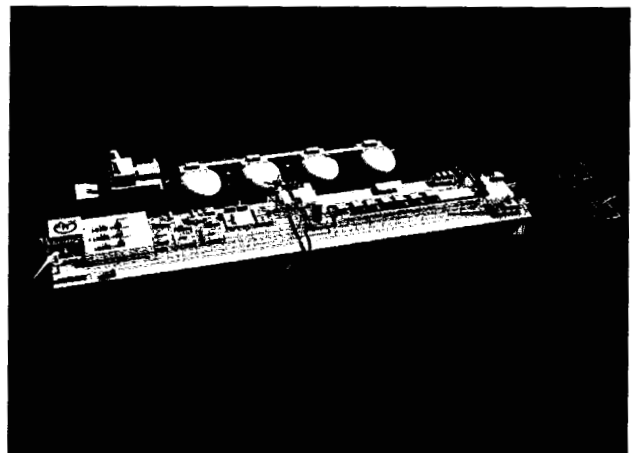


Table of Applicable Laws and Executive Orders ¹

Title, Citation	Summary
Archaeological and Historical Preservation Act, 16 U.S.C. 469	Protects and preserves historical and archaeological data. Requires Federal agencies to identify and recover data from archaeological sites threatened by a proposed action(s).
Clean Air Act, 42 U.S.C. 7401-7671q, as amended	Establishes Federal standards for air pollutants. Prevents significant deterioration in areas of the country where air quality fails to meet Federal standards.
Clean Water Act, 33 U.S.C. 1251-1387 (also known as the Federal Water Pollution Control Act)	Comprehensively restores and maintains the chemical, physical, and biological integrity of the Nation's waters. Implemented and enforced by the U.S. Environmental Protection Agency (USEPA).
Coastal Barrier Resources Act, 16 U.S.C. 3501-3510	Discourages coastal barrier island degradation by prohibiting direct or indirect Federal financial funds (including flood insurance) for development, except for emergency life-saving activities.
Coastal Zone Management Act of 1972, 16 U.S.C. 1451-1464	Establishes a policy to preserve, protect, develop, and where possible, restore and enhance the resources of the Nation's coastal zone. Encourages and assists states in developing and implementing coastal zone management programs.
Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. 9601-9675 (also known as "Superfund")	Provides for liability, compensation, cleanup, and emergency response for hazardous substances released into the environment and cleanup of inactive hazardous substances disposal sites. Establishes a fund financed by hazardous waste generators to support cleanup and response actions.
Deepwater Port Act of 1974, 33 U.S.C. 1501-1524	Assigns responsibility to the Secretary of Transportation to license the construction and operation of all oil and natural gas deepwater ports located beyond the U.S. territorial sea and off the U.S. coast.
Endangered Species Act of 1973, 16 U.S.C. 1531-1543, as amended	Protects threatened, endangered, and candidate species of fish, wildlife, and plants and their designated critical habitats. Prohibits Federal action that jeopardizes the continued existence of endangered or threatened species. Requires consultation with U.S. Fish and Wildlife Service (USFWS) and National Oceanic and Atmospheric Administration (NOAA) Fisheries and a biological assessment when such species are present in an area affected by government activities.

Table of Applicable Laws and Executive Orders (continued)

Title, Citation	Summary
Fish and Wildlife Coordination Act, 16 U.S.C. 661-667e, as amended	Authorizes the Secretaries of Interior and Commerce to provide assistance to and cooperate with Federal and State agencies to protect, rear, stock, and increase the supply of game and fur-bearing animals, as well as to study the effects of domestic sewage, trade wastes, and other polluting substances on wildlife. The 1946 amendments require consultation with the USFWS and the state fish and wildlife agencies involving any waterbodies that are proposed or authorized, permitted or licensed to be impounded, diverted or otherwise controlled or modified by any agency under a Federal permit or license.
Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. 1801-1883, as amended	Establishes regional fisheries councils that set fishing quotas and restrictions in U.S. waters. Requires Federal agencies to consult with NOAA Fisheries on all actions (authorized, funded, or undertaken) that might adversely affect essential fish habitat.
Marine Mammal Protection Act of 1972, 16 U.S.C. 1361-1389, 1401-1407, 1538, 4107	Establishes a moratorium on the taking and importation of marine mammals. Prohibits harassing, hunting, capturing, collecting, or killing of marine mammals or attempting such actions. Requires permits for taking marine mammals. Requires consultations with USFWS and NOAA Fisheries if impacts on marine mammals are possible.
Marine Protection, Research, and Sanctuaries Act of 1972, 33 U.S.C. 1401-1445	Regulates dumping of materials into ocean waters. Provides a permitting process to control ocean dumping of dredged materials. Establishes the marine sanctuaries program.
Maritime Transportation Security Act of 2002, Pub. L. 107-295	Extends the Deepwater Port Act application to include facilities and operations related to natural gas.
Migratory Bird Treaty Act, 16 U.S.C. 703-712	Implements various treaties for protecting migratory birds; the taking, killing, or possession of migratory birds is unlawful.
National Environmental Policy Act of 1969, 42 U.S.C. 4321-4370e, as amended	Requires Federal agencies to use a systematic approach when assessing environmental impacts of government activities. Proposes an interdisciplinary approach in a decision-making process designed to identify unacceptable or unnecessary impacts to the environment.
National Historic Preservation Act, 16 U.S.C. 470-470x-6	Requires Federal agencies to consider the effect of any federally assisted undertaking or licensing on any district, site, building, structure, or object eligible for inclusion, or listed in the National Register of Historic Places (NRHP). Provides for the nomination, identification (through NRHP listing), and protection of significant historical and cultural properties.

Table of Applicable Laws and Executive Orders (continued)

Title, Citation	Summary
National Marine Sanctuaries Act, 16 U.S.C. 1431 <i>et seq.</i>	Authorizes the Secretary of Commerce to designate national marine sanctuaries based on statutory criteria and stipulated factors to be considered by the Secretary as a basis for designation. Stipulates consultation requirements with various Federal agencies, Congressional committees, state agencies and regional fishery councils.
Natural Gas Act of 1938, 15 U.S.C. 717	Designates the Federal Energy Regulatory Commission—an independent agency within the Department of Energy—to regulate the transmission and sale of natural gas for resale in interstate commerce.
Natural Gas Pipelines and Safety Act of 1968 and Hazardous Liquid Pipeline Safety Act of 1979, as amended, 49 U.S.C. 601	The Natural Gas Pipelines and Safety Act of 1968 authorizes the Department of Transportation to regulate pipeline transportation of natural (flammable, toxic, or corrosive) gas and other gases as well as the transportation and storage of liquefied natural gas (LNG). The Hazardous Liquid Pipeline Safety Act of 1979 authorizes the Department of Transportation to regulate pipeline transportation of hazardous liquids (crude oil, petroleum products, anhydrous ammonia, and carbon dioxide). Both of these Acts have been recodified as 49 U.S.C. Chapter 601.
Noise Control Act of 1972, 42 U.S.C. 4901-4918	Establishes a national policy to promote an environment free from noise that jeopardizes health and welfare. Authorizes the establishment of Federal noise emissions standards and provides relevant information to the public.
Nonindigenous Aquatic Nuisance Prevention Control Act of 1990, 16 U.S.C. 4701-4751	Establishes aquatic nuisance species.
Northwest Atlantic Fisheries Convention Act of 1995, 16 U.S.C. 5601-5610	Implements provisions of international conventions and establishes regulatory framework.
Occupational Safety and Health Act of 1970, 29 U.S.C. 651-678	Establishes standards to protect workers, including standards on industrial safety, noise, and health standards.
Outer Continental Shelf Lands Act of 1953, 43 U.S.C. 1331-1356, as amended	Defines the Outer Continental Shelf as all submerged lands lying seaward of State coastal waters that are three miles offshore. Delegates leasing authority to the Secretary of the Interior to promulgate regulations in an effort to reduce waste and conserve natural resources.

Table of Applicable Laws and Executive Orders (continued)

Title, Citation	Summary
Port and Waterways Safety Act, 33 U.S.C. 1221-1232	Sets boat operating and towing safety requirements and established enforcement provisions. Authorizes the U.S. Coast Guard (USCG) to establish vessel traffic service/separation schemes for ports, harbors, and other waters subject to congested vessel traffic.
Resource Conservation and Recovery Act, 42 U.S.C. 6901-6992k	Establishes requirements for safely managing and disposing of solid and hazardous waste and underground storage tanks.
Executive Order (EO) 12372, <i>Intergovernmental Review of Federal Programs</i> , July 14, 1982, 47 FR 30959 (6/16/82), as supplemented	Requires Federal agencies to consult with state and local governments when proposed Federal financial assistance or direct Federal development impacts interstate metropolitan urban centers or other interstate areas.
EO 12898, <i>Environmental Justice</i> , February 11, 1994, 59 FR 7629 (2/16/94), as amended	Requires certain Federal agencies, to the greatest extent practicable permitted by law, to make environmental justice part of their missions by identifying and addressing disproportionately high and adverse health or environmental effects on minority and low-income populations.
EO 13089, <i>Coral Reef Protection</i> , June 11 1998, 64 FR 232 (12/3/99)	Mandates that all Federal agencies whose actions may affect U.S. coral reef ecosystems (1) identify their actions that may affect U.S. coral reef ecosystems; (2) use their programs and authorities to protect and enhance the conditions of such ecosystems; and (3) to the extent permitted by law, ensure that any actions they authorize, fund, or carry out will not degrade the conditions of such ecosystems. Federal agencies shall, subject to the availability of appropriations, provide for the implementation of measures needed to research, monitor, manage, and restore affected ecosystems, including measures reducing impacts from pollution, sedimentation, and fishing.
EO 13148, <i>Greening the Government Through Leadership in Environmental Management</i> , April 21, 2000, 65 FR 24595 (4/26/00)	Designates the head of each Federal agency to ensure that all necessary actions are taken to integrate environmental accountability into agency day-to-day decision making and long-term planning processes, across all agency missions, activities, and functions. Establishes goals for environmental management, environmental compliance, right-to-know (informing the public and their workers of possible sources of pollution resulting from facility operations) and pollution prevention, and similar matters.
EO 13175, <i>Consultation and Coordination with Indian Tribal Governments</i> , November 6, 2000, 65 FR 67249 (11/09/00)	Requires Federal agencies to establish an accountable process that ensures meaningful and timely input from tribal officials in developing policies that have tribal implications.

Table of Applicable Laws and Executive Orders (continued)

Title, Citation	Summary
EO 13186, <i>Responsibilities of Federal Agencies to Protect Migratory Birds</i> , January 10, 2001, 66 FR 3853 (1/17/01)	Requires each agency to ensure that environmental analyses of Federal actions (required by the National Environmental Policy Act or other established environmental review processes) evaluate the effects of actions and agency plans on migratory birds, emphasizing species of concern. Agencies must support the conservation intent of migratory bird conventions by integrating bird conservation principles, measures, and practices into agency activities, and by avoiding or minimizing, to the extent practicable, adverse impacts on migratory bird resources when conducting agency actions.
EO 11593, <i>Protection and Enhancement of the Cultural Environment</i> , May 13, 1971, 36 FR 8921 (5/15/71)	Requires all Federal agencies to locate, identify, and record all cultural resources, including significant archaeological, historical, or architectural sites.

¹ This table only reflects those laws and EOs that may reasonably be expected to apply to the Proposed Action and alternatives.

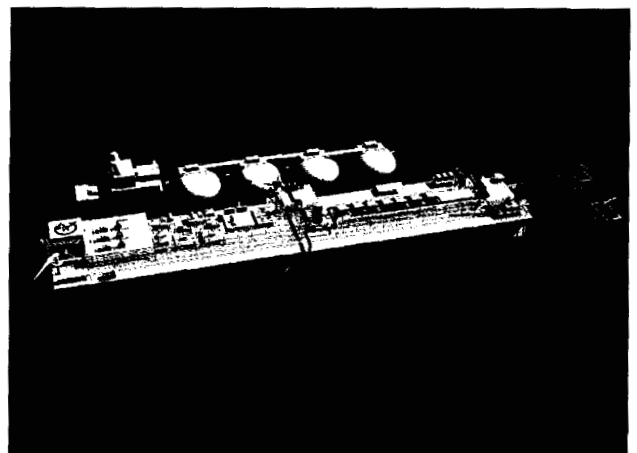
Other laws and Executive Orders relevant to consideration of licensing of deepwater ports include, but are not limited to:

- Abandoned Shipwreck Act, 43 U.S.C. 2102, et seq.
- American Indian Religious Freedom Act, 42 U.S.C. 1996, et seq.
- Antiquities Act, 16 U.S.C. 433, et seq.; Archeological Resources Protection Act, 16 U.S.C. 470 aa-ll, et seq.
- Architectural Barriers Act, 42 U.S.C. 4151, et seq.
- Community Environmental Response Facilitation Act, 42 U.S.C. 9620, et seq.
- Department of Transportation Act, P.L. 89-670, 49 U.S.C. 303, Section 4(f), et seq.
- Emergency Planning and Community Right-to-Know Act, 42 U.S.C. 11001-11050, et seq.
- Environmental Quality Improvement Act, P.L. 98-581, 42 U.S.C. 4371, et seq.
- Farmlands Protection Policy Act, P.L. 97-98, 7 U.S.C. 4201, et seq.
- Federal Insecticide, Fungicide, and Rodenticide Act, P.L. 86-139, 7 U.S.C. 135, et seq.
- Federal Records Act, 44 U.S.C. 2101-3324, et seq.
- Fish and Wildlife Act of 1956, P.L. 85-888, 16 U.S.C. 742, et seq.
- Flood Disaster Protection Act, 42 U.S.C. 4001, et seq.
- Native American Graves Protection and Repatriation Act, 25 U.S.C. 3001, et seq.
- Pollution Prevention Act of 1990, 42 U.S.C. 13101-13109, et seq.
- Safe Drinking Water Act, P.L. 93-523, 42, U.S.C. 201, et seq.

- Toxic Substances Control Act, 7 U.S.C. 136, et seq.
- Wild and Scenic Rivers Act, P.L. 90-542, 16 U.S.C. 1271, et seq.
- EO 12902, dated March 8, 1994, *Energy Efficiency and Water Conservation at Federal Facilities*, 59 FR 11463
- EO 12114, dated January 9, 1979, *Environmental Effects Abroad of Major Federal Actions*, 44 FR 1957
- EO 12088, dated October 13, 1978, *Federal Compliance with Pollution Control Standards*, 43 FR 47707, as amended by EO 12580, dated January 23, 1987, and revoked (in part) by EO 13148, dated April 21, 2000
- EO 13132, dated August 4, 1999, *Federalism*, 64 FR 43255
- EO 11988, dated May 24, 1977, *Floodplain Management and Protection*, 42 FR 26951, as amended by EO 12148, dated July 20, 1979, 44 FR 43239
- EO 13007, dated May 24, 1996, *Historic Sites Act*, 16 U.S.C. 46, et seq.; Indian Sacred Sites, 61 FR 26771
- EO 12372, dated July 14, 1982, *Intergovernmental Review of Federal Programs*, 47 FR 30959, as amended by EO 12416, April 8, 1983, 48 FR 15587; supplemented by EO 13132, August 4, 1999, 64 FR 43255
- EO 13112, dated February 3, 1999, *Invasive Species*, 64 FR 6183, as amended by EO 13286, February 28, 2003, 68 FR 10619
- EO 13158, dated May 26, 2000, *Marine Protected Areas*, 65 FR 2490
- EO 11514, dated March 5, 1970, *Protection and Enhancement of Environmental Quality*, 35 FR 4247, as amended by EO 11541, July 1, 1970, 35 FR 10737 and EO 11991, May 24, 1977, 42 FR 26967
- EO 13045, dated April 21, 1997, *Protection of Children from Environmental Health and Safety Risks*, 62 FR 19885, as amended by EO 13229, October 9, 2001, 66 FR 52013 and EO 13296, April 18, 2003, 68 FR 19931
- EO 11990, dated May 24, 1977, *Protection of Wetlands*, 42 FR 26961, as amended by EO 12608, September 9, 1987, 52 FR 34617
- EO 12962, dated June 7, 1995, *Recreational Fisheries*, 60 FR 307695
- EO 13123, *Greening the Government Through Efficient Energy Management*, dated June 3, 1999, 64 FR 30851

Appendix C

Endangered and Threatened Species Consultation



U.S. Department of
Homeland Security

United States
Coast Guard



Commandant
United States Coast Guard

2100 Second Street, S.W.
Washington, DC 20593-0001
Staff Symbol: G-MSO-5
Phone: (202) 267-0225
Fax: (202) 267-4570

16613

Mr. Russell C. Watson
U.S. Fish and Wildlife Service
Field Supervisor
646 Cajundome Boulevard
Suite 400
Lafayette, LA 70506

MAY 6 2004

Subj: Gulf Landing LLC Deepwater Port Environmental Impact Statement

Dear Mr. Watson:

On November 3, 2003 Gulf Landing, LLC, a wholly owned subsidiary of Shell U.S. Gas and Power, LLC, submitted an application seeking approval to construct, own, and operate a deepwater port (DWP). The proposed port, known as Gulf Landing, would be located approximately 38 miles from shore in the Gulf of Mexico, off of Cameron Parish, Louisiana in West Cameron lease block number 213.

The U.S. Coast Guard and Maritime Administration (MARAD) are preparing an Environmental Impact Statement (EIS) as part of the processing of the Gulf Landing DWP license application. The EIS will be prepared in accordance with the National Environmental Policy Act of 1969 (NEPA), as amended (42 [U.S.C.] 4321, *et seq.*), and pursuant to the requirements of the Deepwater Port Act (33 [U.S.C.] 1501, *et seq.*).

The proposed LNG terminal would consist of two concrete gravity base structures (GBSs), located in approximately 54 feet of water depth and adjacent to an existing shipping fairway serving the Calcasieu River and area ports. The location of the proposed port is presented in enclosure (1). The terminal would be capable of storing up to 64 million cubic feet of LNG and vaporizing up to 1.2 billion cubic feet per day. The port would include five take-away pipelines of varying sizes with a total length of 65.7 miles. The pipelines would interconnect with existing offshore natural gas pipelines located in the Gulf of Mexico. From these pipelines, the natural gas would enter the onshore national pipeline grid for delivery to any consumption market east of the Rocky Mountains. The Gulf Landing LLC application is available for viewing and downloading from the DOT Docket Management System Web Page <<http://dms.dot.gov>>, Docket Number "USCG-2004-16860." An electronic copy of the Gulf Landing DWP license application has also been enclosed for your convenience.

Subj: Gulf Landing LLC Deepwater Port Environmental Impact Statement

In accordance with Section 7 of the Endangered Species Act, as amended, we seek to informally consult with USFWS regarding the presence of threatened and endangered species and migratory bird species under your jurisdiction that may be affected by the Proposed Action. We will also consult with the NOAA Fisheries Habitat Conservation Division regarding essential fish habitat and NOAA Protected Resources Division regarding the presence of marine mammals and threatened and endangered species.

We are currently preparing an EIS and intend to have the EIS stand as our Biological Assessment (BA) for this proposal. In order to fully assess the potential impacts associated with the Proposed Action on threatened and endangered species, we are requesting a list of species of concern that occur within the region of influence (ROI). Additionally, please provide a list of any additional concerns that USFWS may have regarding the potential impacts of the Proposed Action.

Finally, engineering-environmental Management, Inc. (e²M) is providing the U.S. Coast Guard with technical assistance in the preparation of the EIS Assessment. The U.S. Coast Guard has designated e²M as the non-Federal representative for consultation purposes for this action.

Thank you for your assistance and we look forward to working with your office on this project. If you have questions about the proposed Gulf Landing deepwater port or about the EIS, you may contact LT Derek Dostie of my staff at ddostie@comdt.uscg.mil or (202) 267-0662.

Sincerely,



Mark A. Prescott
U.S. Coast Guard
Chief, Deepwater Ports Standards Division
By direction

Encl: (1) Graphic Depicting the Proposed Location of the Gulf Landing DWP
(2) Electronic Copy of the Gulf Landing DWP Application

Copy: Bridget Firmin (Biologist, USFWS, Lafayette Field Office)
Mr. Keith Lesnick (MARAD)

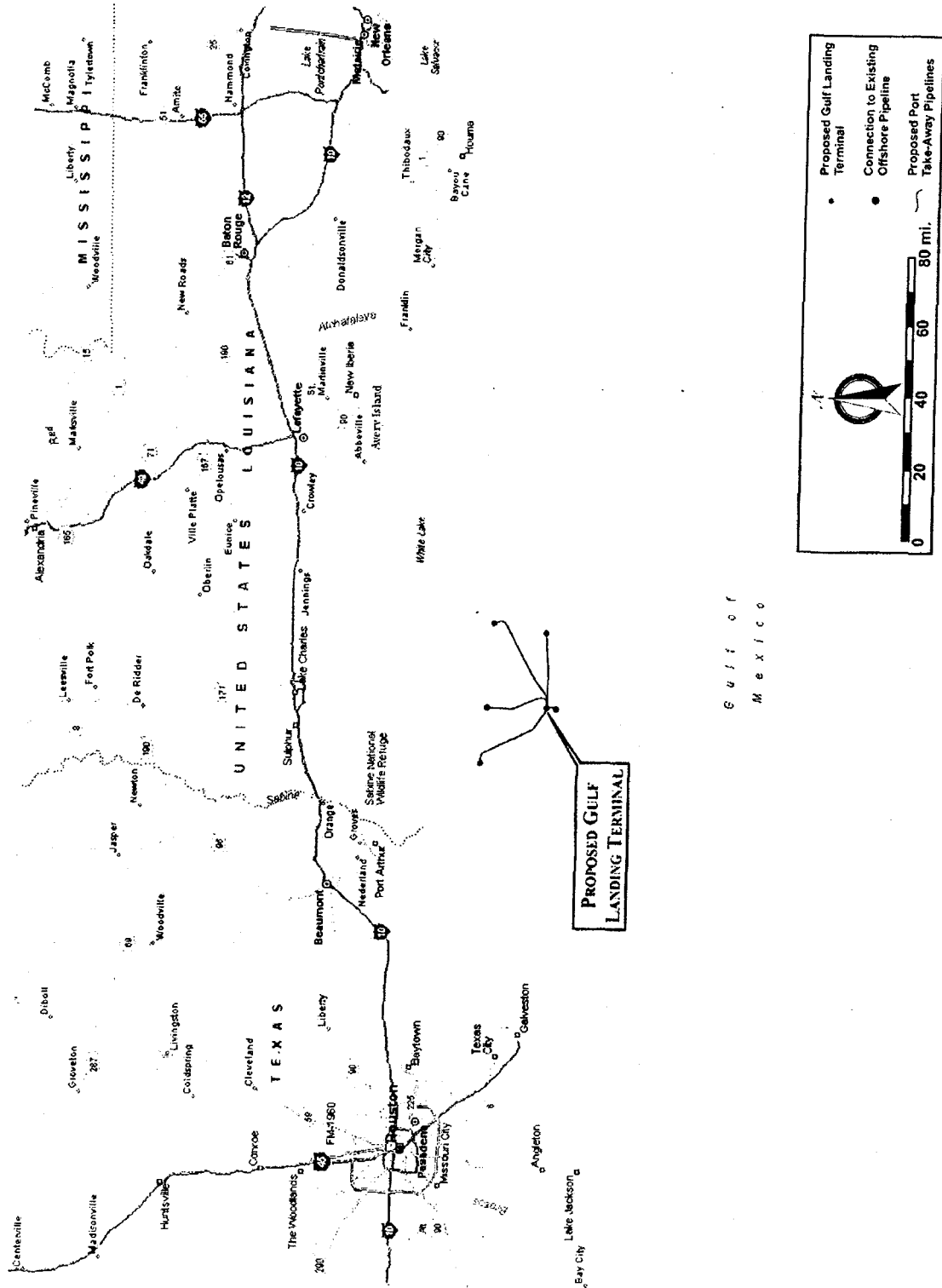


Figure 1. Location of Proposed Gulf Landing Terminal and Surrounding Area

U.S. Department of
Homeland Security

United States
Coast Guard



Commandant
United States Coast Guard

2100 Second Street, S.W.
Washington, DC 20593-0001
Staff Symbol: G-MSO-5
Phone: (202) 267-0225
Fax: (202) 267-4570

16613

Mr. David Bernhart
Assistant Regional Administrator for Protected Resources
U.S. Department of Commerce
National Oceanic and Atmospheric Administration F/SER
9721 Executive Center Drive North
St. Petersburg, FL 33072

MAY 6 2004

Subj: Gulf Landing LLC Deepwater Port Environmental Impact Statement

Dear Mr. Bernhart:

On November 3, 2003 Gulf Landing, LLC, a wholly owned subsidiary of Shell U.S. Gas and Power, LLC, submitted an application seeking approval to construct, own, and operate a deepwater port (DWP). The proposed port, known as Gulf Landing, would be located approximately 38 miles from shore in the Gulf of Mexico, off of Cameron Parish, Louisiana in West Cameron lease block number 213.

The U.S. Coast Guard and Maritime Administration (MARAD) are preparing an Environmental Impact Statement (EIS) as part of the processing of the Gulf Landing DWP license application. The EIS will be prepared in accordance with the National Environmental Policy Act of 1969 (NEPA), as amended (42 [U.S.C.] 4321, *et seq.*), and pursuant to the requirements of the Deepwater Port Act (33 [U.S.C.] 1501, *et seq.*).

The proposed LNG terminal would consist of two concrete gravity base structures (GBSs), located in approximately 54 feet of water depth and adjacent to an existing shipping fairway serving the Calcasieu River and area ports. The location of the proposed port is presented in enclosure (1). The terminal would be capable of storing up to 64 million cubic feet of LNG and vaporizing up to 1.2 billion cubic feet per day. The port would include five take-away pipelines of varying sizes with a total length of 65.7 miles. The pipelines would interconnect with existing offshore natural gas pipelines located in the Gulf of Mexico. From these pipelines, the natural gas would enter the onshore national pipeline grid for delivery to any consumption market east of the Rocky Mountains. The Gulf Landing LLC application is available for viewing and downloading from the DOT Docket Management System Web Page <<http://dms.dot.gov>>, Docket Number "USCG-2004-16860." An electronic copy of the Gulf Landing DWP license application has also been enclosed for your convenience.

Subj: Gulf Landing LLC Deepwater Port Environmental Impact Statement

In accordance with Section 7 of the Endangered Species Act, as amended, we seek to informally consult with NOAA Fisheries regarding the presence of marine mammals and threatened and endangered species that may be affected by the Proposed Action. We will also consult with the U.S. Fish and Wildlife Service regarding the presence of threatened and endangered species and migratory bird species under their jurisdiction and NOAA Fisheries Habitat Conservation Division regarding essential fish habitat.

We are currently preparing an EIS and intend to have the EIS stand as our Biological Assessment (BA) for this proposal. In order to fully assess the potential impacts associated with the Proposed Action on threatened and endangered species, we are requesting a list of species of concern that occur within the region of influence (ROI). Additionally, please provide a list of any additional concerns that NOAA Fisheries may have regarding the potential impacts of the Proposed Action.

Finally, engineering-environmental Management, Inc. (e²M) is providing the U.S. Coast Guard with technical assistance in the preparation of the EIS Assessment. The U.S. Coast Guard has designated e²M as the non-Federal representative for consultation purposes for this action.

Thank you for your assistance and we look forward to working with your office on this project. If you have questions about the proposed Gulf Landing deepwater port or about the EIS, you may contact LT Derek Dostie of my staff at ddostie@comdt.uscg.mil or (202) 267-0662.

Sincerely,



Mark A. Prescott
U.S. Coast Guard
Chief, Deepwater Ports Standards Division
By direction

Encl: (1) Graphic Depicting the Proposed Location of the Gulf Landing DWP
(2) Electronic Copy of the Gulf Landing DWP Application

Copy: Mr. Eric Hawk (Section 7 Coordinator, SERO, Protected Resources Division)
Mr. Kyle Baker (Fishery Biologist, NOAA Fisheries, SERO, Protected Resources Division)
Mr. Ken Hollingshead (Fishery Biologist, NOAA Fisheries, Headquarters, Office of Protected Resources, Marine Mammals Division)
Mr. Keith Lesnick (MARAD)



United States Department of Interior
Fish and Wildlife Service
Washington, DC 20240

September 14, 2000

To: Regional Directors

From: Director /s/ Jamie Rappaport Clark

Subject: Service Guidance on the Siting, Construction, Operation and Decommissioning of Communications Towers*

Construction of communications towers (including radio, television, cellular, and microwave) in the United States has been growing at an exponential rate, increasing at an estimated 6 percent to 8 percent annually. According to the Federal Communication Commission's *2000 Antenna Structure Registry*, the number of lighted towers greater than 199 feet above ground level (AGL) currently number over 45,000 and the total number of towers over 74,000. Non-compliance with the registry program is estimated at 24 percent to 38 percent, bringing the total to 92,000 to 102,000. By 2003, all television stations must be digital, adding potentially 1,000 new towers exceeding 1,000 feet AGL.

The construction of new towers creates a potentially significant impact on migratory birds, especially some 350 species of night-migrating birds. Communications towers are estimated to kill 4-5 million birds per year, which violates the spirit and the intent of the Migratory Bird Treaty Act and the Code of Federal Regulations at Part 50 designed to implement the MBTA. Some of the species affected are also protected under the Endangered Species Act and Bald and Golden Eagle Act.

Service personnel may become involved in the review of proposed tower sitings and/or in the evaluation of tower impacts on migratory birds through National Environmental Policy Act review; specifically, Sections 1501.6, opportunity to be a cooperating agency, and 1503.4, duty to comment on federally-licensed activities for agencies with jurisdiction by law, in this case the MBTA, or because of special expertise. Also, the National Wildlife Refuge System Improvement Act requires that any activity on Refuge lands be determined as compatible with the Refuge system mission and the Refuge purpose(s). In addition, the Service is required by the ESA to assist other Federal agencies in ensuring that any action they authorize, implement, or fund will not jeopardize the continued existence of any Federally endangered or threatened species.

A Communication Tower Working Group composed of government agencies, industry, academic researchers and NGO's has been formed to develop and implement a research protocol to determine the best ways to construct and operate towers to prevent bird strikes. Until the research study is completed, or until research efforts uncover significant new mitigation measures, all Service personnel involved in the review of proposed tower sitings and/or the evaluation of the impacts of towers on migratory birds should use the attached interim guidelines when making recommendations to all companies, license applicants, or licensees proposing new tower sitings. These guidelines were developed by Service personnel from research conducted in several eastern, midwestern, and southern states, and have been refined through Regional review. They are based on the best information available at this time, and are the most prudent and effective measures for avoiding bird strikes at towers. We believe that they will provide significant protection for migratory birds pending completion of the Working Group's recommendations. As new information becomes available, the guidelines will be updated accordingly.

Implementation of these guidelines by the communications industry is voluntary, and our recommendations must be balanced with Federal Aviation Administration requirements and local community concerns where necessary. Field offices have discretion in the use of these guidelines on a case by case basis, and may also have additional recommendations to add which are specific to their geographic area.

Also attached is a Tower Site Evaluation Form, which may prove useful in evaluating proposed towers and in streamlining the evaluation process. Copies may be provided to consultants or tower companies who regularly submit requests for consultation, as well as to those who submit individual requests that do not contain sufficient information to allow adequate evaluation. This form is for discretionary use, and may be modified as necessary.

The Migratory Bird Treaty Act (16 U.S.C. 703-712) prohibits the taking, killing, possession, transportation, and importation of migratory birds, their eggs, parts, and nests, except when specifically authorized by the Department of the Interior. While the Act has no provision for allowing unauthorized take, it must be recognized that some birds may be killed at structures such as communications towers even if all reasonable measures to avoid it are implemented. The Service's Division of Law Enforcement carries out its mission to protect migratory birds not only through investigations and enforcement, but also through fostering relationships with individuals and industries that proactively seek to eliminate their impacts on migratory birds. While it is not possible under the Act to absolve individuals or companies from liability if they follow these recommended guidelines, the Division of Law Enforcement and Department of Justice have used enforcement and prosecutorial discretion in the past regarding individuals or companies who have made good faith efforts to avoid the take of migratory birds.

Please ensure that all field personnel involved in review of FCC licensed communications tower proposals receive copies of this memorandum. Questions regarding this issue should be directed to Dr. Benjamin Tuggle, Chief, Division of Habitat Conservation, at (703)358-2161, or Jon Andrew, Chief, Division of Migratory Bird Management, at (703)358-1714. These guidelines will be incorporated in a Director's Order and placed in the Fish and Wildlife Service Manual at a future date.

Service Interim Guidelines For Recommendations On

Communications Tower Siting, Construction, Operation, and Decommissioning

1. Any company/applicant/licensee proposing to construct a new communications tower should be strongly encouraged to collocate the communications equipment on an existing communication tower or other structure (*e.g.*, billboard, water tower, or building mount). Depending on tower load factors, from 6 to 10 providers may collocate on an existing tower.
2. If collocation is not feasible and a new tower or towers are to be constructed, communications service providers should be strongly encouraged to construct towers no more than 199 feet above ground level (AGL), using construction techniques which do not require guy wires (*e.g.*, use a lattice structure, monopole, etc.). Such towers should be unlighted if Federal Aviation Administration regulations permit.

3. If constructing multiple towers, providers should consider the cumulative impacts of all of those towers to migratory birds and threatened and endangered species as well as the impacts of each individual tower.
4. If at all possible, new towers should be sited within existing "antenna farms" (clusters of towers). Towers should not be sited in or near wetlands, other known bird concentration areas (e.g., state or Federal refuges, staging areas, rookeries), in known migratory or daily movement flyways, or in habitat of threatened or endangered species. Towers should not be sited in areas with a high incidence of fog, mist, and low ceilings.
5. If taller (>199 feet AGL) towers requiring lights for aviation safety must be constructed, the minimum amount of pilot warning and obstruction avoidance lighting required by the FAA should be used. Unless otherwise required by the FAA, only white (preferable) or red strobe lights should be used at night, and these should be the minimum number, minimum intensity, and minimum number of flashes per minute (longest duration between flashes) allowable by the FAA. The use of solid red or pulsating red warning lights at night should be avoided. Current research indicates that solid or pulsating (beacon) red lights attract night-migrating birds at a much higher rate than white strobe lights. Red strobe lights have not yet been studied.
6. Tower designs using guy wires for support which are proposed to be located in known raptor or waterbird concentration areas or daily movement routes, or in major diurnal migratory bird movement routes or stopover sites, should have daytime visual markers on the wires to prevent collisions by these diurnally moving species. (For guidance on markers, see *Avian Power Line Interaction Committee (APLIC). 1994. Mitigating Bird Collisions with Power Lines: The State of the Art in 1994. Edison Electric Institute, Washington, D.C., 78 pp.* and *Avian Power Line Interaction Committee (APLIC). 1996. Suggested Practices for Raptor Protection on Power Lines. Edison Electric Institute/Raptor Research Foundation, Washington, D.C., 128 pp.* Copies can be obtained via the Internet at <http://www.eei.org/resources/pubcat/enviro/>, or by calling 1-800/334-5453).
7. Towers and appendant facilities should be sited, designed and constructed so as to avoid or minimize habitat loss within and adjacent to the tower "footprint". However, a larger tower footprint is preferable to the use of guy wires in construction. Road access and fencing should be minimized to reduce or prevent habitat fragmentation and disturbance, and to reduce above ground obstacles to birds in flight.
8. If significant numbers of breeding, feeding, or roosting birds are known to habitually use the proposed tower construction area, relocation to an alternate site should be recommended. If this is not an option, seasonal restrictions on construction may be advisable in order to avoid disturbance during periods of high bird activity.
9. In order to reduce the number of towers needed in the future, providers should be encouraged to design new towers structurally and electrically to accommodate the applicant/licensee's antennas and comparable antennas for at least two additional users (minimum of three users for each tower structure), unless this design would require the addition of lights or guy wires to an otherwise unlighted and/or unguyed tower.
10. Security lighting for on-ground facilities and equipment should be down-shielded to keep light within the boundaries of the site.

11. If a tower is constructed or proposed for construction, Service personnel or researchers from the Communication Tower Working Group should be allowed access to the site to evaluate bird use, conduct dead-bird searches, to place net catchments below the towers but above the ground, and to place radar, Global Positioning System, infrared, thermal imagery, and acoustical monitoring equipment as necessary to assess and verify bird movements and to gain information on the impacts of various tower sizes, configurations, and lighting systems.
12. Towers no longer in use or determined to be obsolete should be removed within 12 months of cessation of use.

In order to obtain information on the extent to which these guidelines are being implemented, and to identify any recurring problems with their implementation which may necessitate modifications, letters provided in response to requests for evaluation of proposed towers should contain the following request:

“In order to obtain information on the usefulness of these guidelines in preventing bird strikes, and to identify any recurring problems with their implementation which may necessitate modifications, please advise us of the final location and specifications of the proposed tower, and which of the measures recommended for the protection of migratory birds were implemented. If any of the recommended measures can not be implemented, please explain why they were not feasible.”

** Please note that the above information can be found at the following website:
<http://migratorybirds.fws.gov/issues/towers/comtow.html>*

TOWER SITE EVALUATION FORM

1. Location (Provide maps if possible):

State: _____ County: _____ Latitude/Longitude/GPS Grid: _____ City
and Highway Direction (2 miles W on Hwy 20, etc.)

2. Elevation above mean sea level: _____

3. Will the equipment be co-located on an existing **FCC licensed** tower or other existing structure (building, billboard, etc.)? (y/n) _____ If yes, type of structure:

If yes, no further information is required.

4. If no, provide proposed specifications for new tower:

Height: _____ Construction type (lattice, monopole, etc.):

_____ Guy-wired? (y/n) _____ No. bands: _____ Total No. Wires:
Lighting (Security & Aviation):

If tower will be lighted or guy-wired, complete items 5-19. If not, complete only items 19 and 20.

5. Area of tower footprint in acres or square feet: _____

6. Length and width of access road in feet: _____

7. General description of terrain - mountainous, rolling hills, flat to undulating, etc. Photographs of the site and surrounding area are beneficial:

8. Meteorological conditions (incidence of fog, low ceilings, etc.):

9. Soil type(s):

10. Habitat types and land use on and adjacent to the site, by acreage and percentage of total:

11. Dominant vegetative species in each habitat type:

12. Average diameter breast height of dominant tree species in forested areas:

13. Will construction at this site cause fragmentation of a larger block of habitat into two or more smaller blocks? (y/n)_____ If yes, describe:

14. Is evidence of bird roosts or rookeries present? (y/n)_____ If yes, describe:

15. Distance to nearest wetland area (forested swamp, marsh, riparian, marine, etc.), and coastline if applicable:

16. Distance to nearest telecommunications tower:

17. Potential for co-location of antennas on existing towers or other structures:

18. Have measures been incorporated for minimizing impacts to migratory birds? (y/n) _____ If yes, describe:

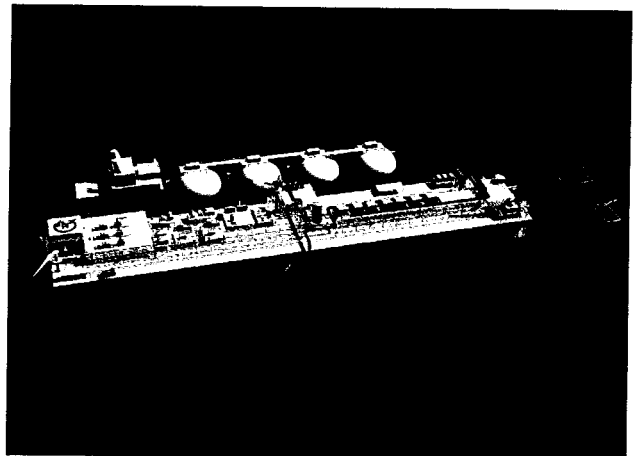
19. Has an evaluation been made to determine if the proposed facility may affect listed or proposed endangered or threatened species or their habitats as required by FCC regulation at CFR 1.1307(a)(3)? (y/n) _____ If yes, present findings:

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20. Additional information required:

Appendix D

Essential Fish Habitat Consultation





UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southeast Regional Office
9721 Executive Center Drive North
St. Petersburg, Florida 33702

May 18, 2004

F/SER44/KS:jk
225/389-0508


Commander Mark A. Prescott
Department of Homeland Security
U.S. Coast Guard, Commandant (G-MSO-2)
Vessels and Facilities Operating Standards Division
2100 Second Street, SW
Washington, D.C. 20593-0001

Dear Commander Prescott:

The National Marine Fisheries Service (NOAA Fisheries) has received your letter dated May 6, 2004, requesting information on essential fish habitat (EFH) and issues of concern regarding the proposed Gulf Landing Deepwater Port license application (USCG-2004-16860). The U.S. Coast Guard (USCG) and the Maritime Administration (MARAD) intend to prepare an environmental impact statement (EIS) for the construction of a liquefied natural gas (LNG) deepwater port in Outer Continental Shelf, West Cameron Block 213, approximately 38 miles south of Cameron, Louisiana. The project also includes the construction of 66 miles of 16- to 36-inch pipelines that would direct natural gas from storage tanks at the deepwater terminal to existing gas supply systems in the Gulf of Mexico.

In our April 12, 2004, response to the Notice of Intent to prepare an EIS for the Gulf Landing Deepwater Port license application (69 FR 9348), NOAA Fisheries submitted information to the USCG and MARAD on marine species and life stages with EFH designated in the project area, as well as issues of concern regarding construction and operation of the proposed LNG terminal. That letter is enclosed for your convenience. NOAA Fisheries appreciates the opportunity to provide you with preliminary information regarding resources and issues of concern for the proposed Gulf Landing LNG terminal. We look forward to reviewing the draft EIS. If you have any questions regarding our comments, please contact Kelly Shotts at (225) 389-0508.

Sincerely,

 Miles M. Croom
Assistant Regional Administrator
Habitat Conservation Division

Enclosure

c:
FWS, Lafayette
EPA, Dallas - Lawrence
LA DNR - Consistency
F/SF1 - Rogers
F/SER3 - Bernhart
F/SER4
Files



Southeast Regional Office
9721 Executive Center Drive North
St. Petersburg, Florida 33702

April 12, 2004

Commander Mark A. Prescott
Department of Homeland Security
U.S. Coast Guard, Commandant (G-MSO-2)
Vessels and Facilities Operating Standards Division
2100 Second Street, SW
Washington, D.C. 20593-0001

Dear Commander Prescott:

The National Marine Fisheries Service (NOAA Fisheries) has received the Notice of Intent (NOI) to prepare an environmental impact statement (EIS) and request for public comment for the Gulf Landing LLC Deepwater Port license application (69 FR 9348; USCG-2004-16860) dated March 8, 2004. The NOI indicates that the U.S. Coast Guard (USCG) and the Maritime Administration (MARAD) intend to prepare an EIS for the construction of a liquefied natural gas (LNG) deepwater port in Outer Continental Shelf, West Cameron Block 213, approximately 38 miles south of Cameron, Louisiana. The project also includes the construction of 66 miles of 16- to 36-inch pipelines that would direct natural gas from storage tanks at the deepwater terminal to existing gas supply systems in the Gulf of Mexico. In response to the USCG and MARAD request for comments on resources and issues to be addressed in the EIS for this proposed action, NOAA Fisheries offers the following recommendations.

EFH ASSESSMENT

Based on our review of the NOI, the Gulf Landing Deepwater Port application, and our knowledge of the project area, we have developed the following list of species and life stages for which Essential Fish Habitat (EFH) has been designated in the project area:

Managed Species	Life Stages
brown shrimp	eggs, larvae, adults
white shrimp	eggs, larvae, adults
red drum	eggs, larvae, adults
red snapper	all life stages
vermilion snapper	juvenile
lane snapper	juveniles, adults

Managed Species	Life Stages
greater amberjack	juveniles, adults
lesser amberjack	juveniles, adults
gray triggerfish	all life stages
king mackerel	juveniles, adults
Spanish mackerel	all life stages
cobia	all life stages
dolphin	all life stages
bluefish	juveniles, adults
little tunny	juveniles, adults
Atlantic bluefin tuna	eggs, larvae, spawning adults
bonnethead shark	juveniles, adults
Atlantic sharpnose shark	juveniles

Categories of EFH in the project area include unconsolidated marine water bottoms, natural structural features (e.g., hardbottom and shoal areas), and marine water column. Detailed information on EFH for federally managed shrimp, red drum, reef fish, and coastal migratory pelagic species is provided in the 1998 generic amendment of the Fishery Management Plans (FMPs) for the Gulf of Mexico prepared by the Gulf of Mexico Fishery Management Council. Information on EFH for highly migratory species (HMS) is contained in the Atlantic Billfish and Atlantic Tunas, Swordfish, and Sharks FMPs prepared by the Secretary of Commerce. The generic amendment and HMS FMPs were prepared as required by the Magnuson-Stevens Fishery Conservation and Management Act (P.L. 104-297).

To fully address EFH and dependent fisheries of the project area, we recommend the EIS include sections titled "Essential Fish Habitat" and "Marine Fishery Resources" that describe the potential impacts of the proposed project on each category of EFH (e.g., non-vegetated water bottoms, geologic features, continental shelf features, marine water column, etc.) and marine fishery species within the project area. These sections should analyze the potential impacts of the proposed project on federally managed species and life stages which utilize these categories of EFH, and fully evaluate alternative measures to avoid, minimize, and offset adverse impacts to EFH and marine fishery species of the Gulf of Mexico. This descriptive and analytical information, coupled with a statement of the agency's conclusions regarding the effects of the action on EFH and marine fishery species, would provide the basic details necessary for an EFH assessment pursuant to the requirements of 50 CFR 600.920(e).

IMPINGEMENT AND ENTRAINMENT

The EIS should evaluate the impacts to marine fisheries associated with construction, operation, and decommissioning of the proposed Gulf Landing LNG terminal.

Impingement and entrainment of marine organisms are a major concern for facilities that utilize large quantities of seawater and should be addressed in the EIS for the proposed Gulf Landing terminal. Entrainment refers to both primary entrainment of organisms into the regasification system, as well as secondary entrainment of organisms into the discharge plume. Natural mortality of fish eggs and larvae is quite high, and stock success can hinge on the survival and transport of relatively few recruits to their estuarine nursery habitats. NOAA Fisheries considers mortality caused by the proposed LNG facility as a significant additional mortality factor to the natural conditions that affect the sustainability of marine fisheries. If it is found that the proposed LNG facility kills the few recruits otherwise destined for survival, the facility would have a dramatic negative effect on economically important fish stocks. Information which is necessary to complete a traditional stock assessment to determine impacts from impingement and entrainment includes:

- a) Numbers of eggs, larvae, and juveniles that are expected to be entrained or impinged (and killed) by species.
- b) Daily natural mortality estimates by life stage during the first year of life by species, including hatching success. This allows an estimation of survival from viable egg to age of entrainment.
- c) Age-structured population model estimates of recruits to age-1 and population fecundity. This allows stock-level estimates of egg production (viable eggs) and overall survival from viable egg to recruitment at age-1.

In addition to direct fish and crustacean impacts, all zooplankton passing through the proposed LNG facility are likely to be killed. Zooplankton are microscopic drifting animals that are important components of the marine food web, consuming phytoplankton and smaller zooplankton and providing food for higher level predators, such as larvae of fish and crustaceans. Estimates of average annual densities of larger zooplankton (mostly copepods) in coastal waters off Texas and Louisiana are that two thousand organisms could occur per cubic meter of seawater. Therefore, the EIS also should provide information on zooplankton mortality from the proposed LNG facility and evaluate the effects on higher level consumers (i.e., impacts to the marine food web).

ALTERNATIVES ANALYSIS

The EIS should evaluate a full range of facility design alternatives, with emphasis on the utilization of a closed loop regasification system, for the Gulf Landing LNG terminal that would avoid and minimize impacts to eggs, larvae, and juveniles of marine fishery species and zooplankton from impingement and entrainment. Alternative designs for the LNG terminal should be evaluated in relation to the vertical distribution of eggs, larvae, and juveniles of marine fishery species in the water column. The analysis of the design alternatives should include

quantification of impacts to marine fishery populations versus other potential impacts (e.g., economic, safety, and air quality impacts). Clear rationale and supporting information including fishery economic considerations should be provided for the selection or elimination of design alternatives.

BENTHIC IMPACTS

Construction of the Gravity-Based Structures (GBS) used to offload and regasify the LNG will impact more than 11 acres of seafloor. Because the proposed Gulf Landing LNG terminal may act as an artificial reef (thereby increasing fish density and abundance at the project site), impingement and entrainment of marine fishery species into an open loop regasification system may increase in magnitude and out of proportion with observed density and abundance of fish populations in the surrounding area. Decommissioning activities involving explosive removal of structures (particularly the GBS) will have further adverse impacts to EFH and marine fishery resources. These factors and methods to avoid, minimize, and mitigate associated adverse impacts to EFH and marine fishery resources should be evaluated fully in the EIS.

DISCHARGE IMPACTS

The effects of thermal discharge on marine fishery species also should be addressed in the EIS. Seawater discharged during the regasification process will be approximately 20 degrees Fahrenheit cooler than ambient seawater. Eggs, larvae, and juveniles of various marine species may be particularly vulnerable to rapid and/or extreme temperature changes. In addition, sodium hypochlorite (NaOCl) will be added to seawater in the regasification process to prevent biofouling. The biological consequences of temperature change and biocide contamination on marine fishery species should be quantified in the EIS and minimized to the maximum extent practicable. Sole utilization of a closed loop regasification system, which would eliminate impacts to marine fishery species from temperature change and biocide contamination of the thermal discharge, should be evaluated in the document.

MONITORING NEEDS

As a result of our concerns that facility operation could significantly impact resources for which we have a trust responsibility, NOAA Fisheries recommends that the EIS include discussion of a fishery monitoring plan. The plan should be designed to document the distribution and abundance of marine fishery species at the project site (by species and life stage) and quantify the impacts to those species and the fishery from impingement, entrainment, and properties (e.g., temperature, salinity, and biocide concentration) of the discharge plume. The completed monitoring plan should be linked to a plan for adaptive management of the LNG facility to allow operational or mechanical modifications to minimize adverse fishery impacts.

CUMULATIVE IMPACT ASSESSMENT

There is increasing potential for cumulative impacts to EFH and marine fishery species from construction and operation of the proposed terminal, in concert with other ongoing and reasonably foreseeable activities in the Gulf of Mexico. There are multiple LNG

projects being proposed or planned in the central and western Gulf of Mexico. Additional impacts to NOAA-trust resources may result from (but are not limited to) oil and gas activities, commercial and recreational development, and major transportation projects. As an example of potential cumulative impacts, the Environmental Protection Agency (EPA) conducted several case study analyses of the impact of cooling water intakes for power plants on fisheries as part of their proposed Section 316(b) Phase II Existing Facilities rulemaking process. In their study of Tampa Bay, EPA found that the economic impacts of entrainment and impingement from only four electric generating stations exceeded \$20 million annually in year 2000 dollars. MARAD and USCG should undertake a detailed discussion and quantification of the potential cumulative economic and environmental impacts to EFH and marine fishery species from the proposed terminal and other ongoing and reasonably foreseeable activities in the Gulf of Mexico.

CLEAN WATER ACT SECTION 316 IMPLICATIONS

EPA is considering revising the Clean Water Act Section 316(b) regulations concerning entrainment and impingement impacts from once-through water systems. Although EPA has not made a decision whether LNG facilities will be covered under the proposed Phase III Regulations, we believe that MARAD and USCG should hold new LNG facilities to the same standards as new power plants, since the impacts on fisheries from the once-through seawater systems with similar intake volumes would be the same. Therefore, we believe that the Tract I standards set in section 125.84 (b)(1) of the Section 316(b) Phase I Regulations for new electric generation facilities that withdraw greater than 10 million gallons per day should be the required standard for this LNG facility. The cited standard requires that intake flows, at a minimum, be reduced to a level commensurate with that which can be attained by a closed cycle cooling water system.

ENDANGERED SPECIES ACT CONSULTATION

Finally, the project area may be within the known distribution limits of federally listed threatened species that are under the purview of NOAA Fisheries. In accordance with the Endangered Species Act of 1973, as amended, it is the responsibility of MARAD and USCG to identify actions that may affect endangered or threatened species or may destroy or adversely modify their designated critical habitat. Determinations involving species under NOAA Fisheries' jurisdiction should be reported to our Protected Resources Division (PRD) at the letterhead address. If it is determined that the activities may adversely affect any species listed as endangered or threatened and under PRD purview, then formal consultation must be initiated.

NOAA Fisheries appreciates the opportunity to provide you with preliminary information regarding resources and issues of concern for the proposed Gulf Landing LNG terminal. We look forward to reviewing the draft EIS. If you have any questions regarding our comments, please contact Kelly Shotts at (225) 389-0508. For information concerning threatened and endangered species please contact Mr. David Bernhart of our PRD at (727) 570-5312.

Sincerely,

/s/Rickey N. Ruebsamen
for
Miles M. Croom
Assistant Regional Administrator
Habitat Conservation Division

c:
FWS, Lafayette
EPA, Dallas - Lawrence
LA DNR - Consistency
F/SF1 - Rogers
F/SER3 - Bernhart
F/SER4
Files

U.S. Department of
Homeland Security

United States
Coast Guard



Commandant
United States Coast Guard

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Staff Symbol: G-MSO-5
Phone: (202) 267-0225
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Mr. Miles Croom
Assistant Regional Administrator for Habitat Conservation
U.S. Department of Commerce
National Oceanic and Atmospheric Administration F/SER
9721 Executive Center Drive North
St. Petersburg, FL 33072

MAY 6 2004

Subj: Gulf Landing LLC Deepwater Port Environmental Impact Statement

Dear Mr. Croom:

On November 3, 2003 Gulf Landing, LLC, a wholly owned subsidiary of Shell U.S. Gas and Power, LLC, submitted an application seeking approval to construct, own, and operate a deepwater port (DWP). The proposed port, known as Gulf Landing, would be located approximately 38 miles from shore in the Gulf of Mexico, off of Cameron Parish, Louisiana in West Cameron lease block number 213.

The U.S. Coast Guard and Maritime Administration (MARAD) are preparing an Environmental Impact Statement (EIS) as part of the processing of the Gulf Landing DWP license application. The EIS will be prepared in accordance with the National Environmental Policy Act of 1969 (NEPA), as amended (42 [U.S.C.] 4321, *et seq.*), and pursuant to the requirements of the Deepwater Port Act (33 [U.S.C.] 1501, *et seq.*).

The proposed LNG terminal would consist of two concrete gravity base structures (GBSs), located in approximately 54 feet of water depth and adjacent to an existing shipping fairway serving the Calcasieu River and area ports. The location of the proposed port is presented in enclosure (1). The terminal would be capable of storing up to 64 million cubic feet of LNG and vaporizing up to 1.2 billion cubic feet per day. The port would include five take-away pipelines of varying sizes with a total length of 65.7 miles. The pipelines would interconnect with existing offshore natural gas pipelines located in the Gulf of Mexico. From these pipelines, the natural gas would enter the onshore national pipeline grid for delivery to any consumption market east of the Rocky Mountains. The Gulf Landing LLC application is available for viewing and downloading from the DOT Docket Management System Web Page <<http://dms.dot.gov>>, Docket Number "USCG-2004-16860." An electronic copy of the Gulf Landing DWP license application has also been enclosed for your convenience.

Subj: Gulf Landing LLC Deepwater Port Environmental Impact Statement

In accordance with Section 305(b) of the Magnuson-Stevens Act, as amended, we seek to consult with NOAA Fisheries regarding essential fish habitat (EFH) that may be affected by the Proposed Action. We will also consult with the NOAA Fisheries Protected Resources Division regarding marine mammals and threatened and endangered species, and U.S. Fish and Wildlife Service regarding the presence of threatened and endangered species and migratory bird species.

We are currently preparing an EIS and intend to have the EIS stand as our EFH Assessment for this proposal. In order to fully assess the potential impacts associated with the Proposed Action on EFH, we are requesting a list of species that have EFHs within the region of influence (ROI). Additionally, please provide a list of any additional concerns that NOAA Fisheries may have regarding the potential impacts of the Proposed Action.

Finally, engineering-environmental Management, Inc. (e²M) is providing the U.S. Coast Guard with technical assistance in the preparation of the EIS/EFH Assessment. The U.S. Coast Guard has designated e²M as the non-Federal representative for consultation purposes for this action.

Thank you for your assistance and we look forward to working with your office on this project. If you have questions about the proposed Gulf Landing deepwater port or about the EIS, you may contact LT Derek Dostie of my staff at ddostie@comdt.uscg.mil or (202) 267-0662.

Sincerely,



Mark A. Prescott
U.S. Coast Guard
Chief, Deepwater Ports Standards Division
By direction

Encl: (1) Graphic Depicting the Proposed Location of the Gulf Landing DWP
(2) Electronic Copy of the Gulf Landing DWP Application

Copy: Mr. Rick Ruebsamen (EFH Coordinator, NOAA Fisheries, SERO, Habitat Conservation Division)
Mr. Richard Hartman (Team Leader, NOAA Fisheries, SERO, Habitat Conservation Division)
Ms. Kelly Shotts (Ecologist, NOAA Fisheries, SERO, Habitat Conservation Division)
Mr. Keith Lesnick (MARAD)

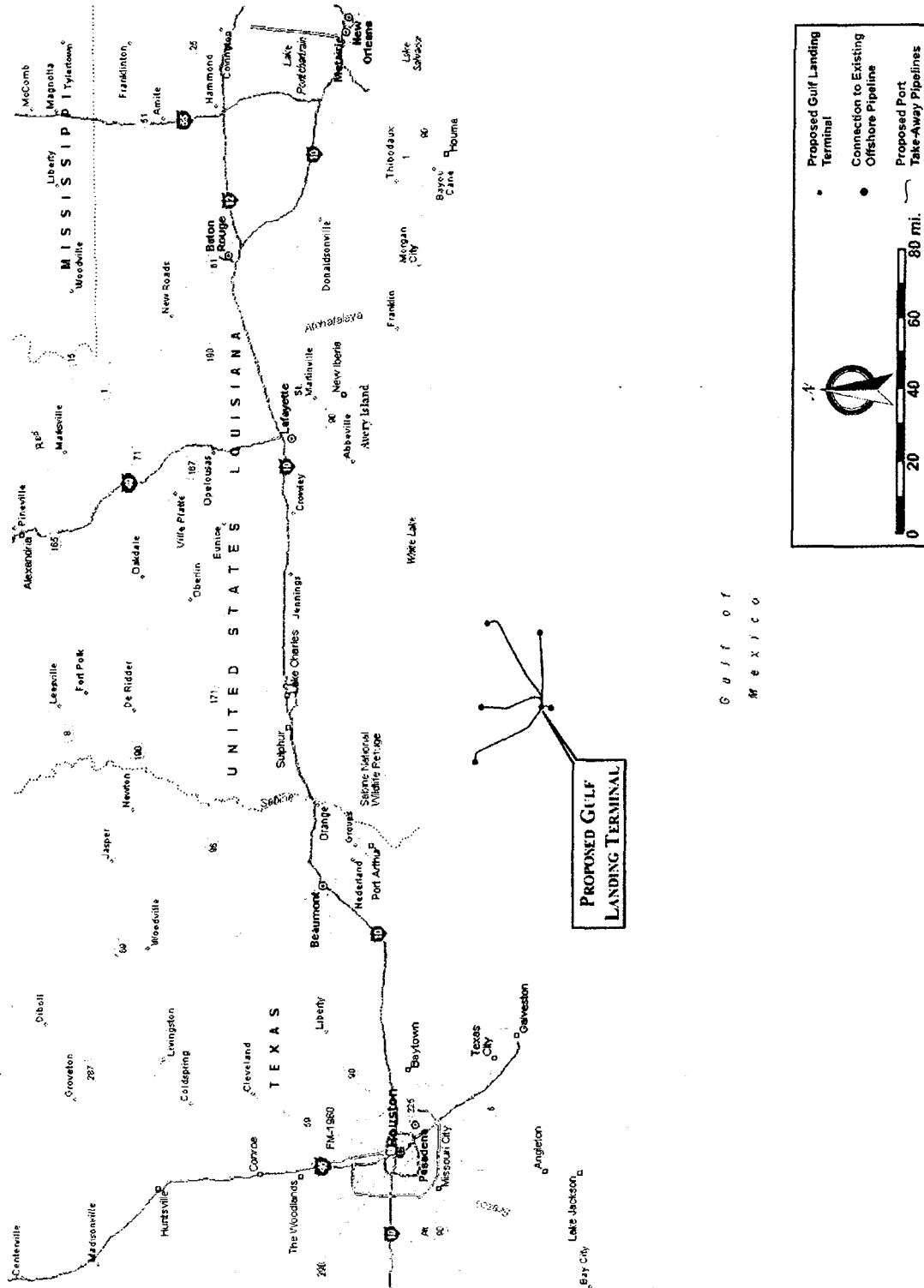


Figure 1. Location of Proposed Gulf Landing Terminal and Surrounding Area